**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION No.21274 OF 2006**

**DATED: 05-10-2007**

Between:

M. Elisha Prabhakar and others

.. Petitioners

and

The Government of A.P. (Agriculture and Cooperation) rep. by its Principal Secretary, Secretariat, Hyderabad and others.

.. Respondents

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

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**ORDER:**

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not regularizing the services of the petitioners, as illegal and arbitrary; and consequently to direct the respondents to regularize the services of the petitioners in their respective posts with effect from the date of completion of five years of service or with effect from the date on which the services of their juniors were regularized, with all attendant benefits.

There is no necessity of going into all the details.

The issue that arises for consideration in this writ petition is squarely covered by a Judgment of this Court, dated 25.01.2007, delivered in W.P.No.3507 of 1996. Therefore, this writ petition is also liable to be disposed of in terms of the said Judgment.

However, the learned Government Pleader appearing for the respondents has placed before the Court a letter, dated 10.07.2006, addressed by the Principal Secretary to the Government, Agriculture and Cooperation Department, A.P., Hyderabad, to the Managing Director, A.P. State Cooperative Rural Irrigation Corporation Limited, Hyderabad, informing that the petitioners 1 and 3 are not entitled for regularization of their services, as they have not put in the requisite period of 5 years of service as on cut off date i.e. on 25.11.1993. Basically, this approach adopted by the respondents in computing five years of service for the purpose of regularization, by applying the cut off date i.e. 25.11.1993, as per G.O.Ms.No.212 dated 22.04.1994, was deprecated by this Court and this Court already held that five years of

service has to be reckoned as on the date of consideration of the cases of the employees for regularization. In view of the same, the petitioners 1 and 3 are also entitled for regularization of their services.

Insofar as the 2nd petitioner is concerned, the learned Government Pleader submits that his case was already considered for regularization and the same is under process.

In view of the above, the 1st respondent is directed to reconsider the case of the petitioners for regularization of their services, calculating five years of service as on the date of consideration of their cases for regularization. Further, the respondents are directed to consider the case of the petitioners 1 and 3 for regularization of their services in the cadre to which they are entitled, as soon as the approval is accorded by the Government, and pass appropriate orders as per law. However, till the governmental instructions are issued and regularization is effected, the services of the petitioners shall not be disturbed and they shall also be paid wages as per Circular dated 13.07.2006 referred to in above said judgment, dated 25.01.2007, delivered in W.P.No.3507 of 1996.

With the above directions, the writ petition is disposed of. No order as to costs.

**C.V. RAMULU, J**

5th October, 2007.

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